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8  
9 **BEFORE THE**  
**RESPIRATORY CARE BOARD**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. S-360

13 DON HOWARD MASTERSON, JR.  
1304 Wilson Avenue  
14 Bakersfield, California 93308

**STIPULATION FOR ISSUANCE  
OF LICENSE AND PUBLIC  
REPRIMAND**

15 Respondent.  
16

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
18 above-entitled proceedings that the following matters are true:

19 PARTIES

20 1. Stephanie Nunez (Complainant) is the Executive Officer of the Respiratory  
21 Care Board of California (Board). She brought this action solely in her official capacity, and is  
22 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Elaine  
23 Gyurko, Senior Legal Analyst.

24 2. Don Howard Masterson, Jr. (Respondent) is representing himself in this  
25 proceeding and has chosen not to exercise his right to be represented by counsel.

26 3. On or about June 20, 2005, Respondent submitted an application for  
27 licensure to the Board. On or about November 7, 2005, the Board denied Respondent's  
28 application. On or about December 12, 2005, Respondent requested a hearing.

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1 Business and Professions Code section 3750, subdivision (g), and the Board, after giving notice  
2 and the opportunity to be heard, may take additional disciplinary action against Respondent.

3 CONTINGENCY

4 11. This stipulation shall be subject to approval by the Board. Respondent  
5 understands and agrees that the Board's staff and counsel for Complainant may communicate  
6 directly with the Board regarding this stipulation and settlement, without notice to or participation  
7 by Respondent. If the Board fails to adopt this stipulation as its Decision and Order, the  
8 Stipulation for Issuance of License and Public Reprimand shall be of no force or effect (except for  
9 this paragraph), it shall be inadmissible in any legal action between the parties, and the Board shall  
10 not be disqualified from further action by having considered this matter.

11 12. The parties understand and agree that facsimile copies of this Stipulation  
12 for Issuance of License and Public Reprimand, including facsimile signatures thereto, shall have  
13 the same force and effect as the originals.

14 13. In consideration of the foregoing admissions and stipulations, the parties  
15 agree that the Board may, without further notice or formal proceeding, issue and enter the  
16 following Disciplinary Order:

17  
18 DISCIPLINARY ORDER

19 IT IS HEREBY ORDERED that Respondent Don Howard Masterson, Jr. shall be  
20 issued a Respiratory Care Practitioner License which is publicly reprimanded by the Respiratory  
21 Care Board of California. This document shall constitute the formal public reprimand. The  
22 Board agrees to issue a license and Respondent agrees to the following terms and conditions:

23 A. No further violation of the law will occur; and

24 B. He shall pay to the Board costs of investigation and prosecution of this matter  
25 in the amount of \$1,288.00. This amount shall be paid in quarterly increments within 12  
26 months of the effective date of this decision.

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ACCEPTANCE

I have carefully read the Stipulation for Issuance of License and Public Reprimand, and I fully understand the terms and conditions and other matters contained therein. I understand the effect this stipulation will have on my Respiratory Care Practitioner License that is issued. I enter into this Stipulation for Issuance of License and Public Reprimand voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Respiratory Care Board.  
DATED: May 31, 2006.

Original signed by: \_\_\_\_\_  
DON HOWARD MASTERSON, JR.  
Respondent

ENDORSEMENT

The foregoing Stipulation for Issuance of License and Public Reprimand is hereby respectfully submitted for consideration by the Respiratory Care Board of the Department of Consumer Affairs.  
DATED: June 21, 2006.

BILL LOCKYER, Attorney General  
of the State of California

Original signed by: \_\_\_\_\_  
ELAINE GYURKO  
Senior Legal Analyst  
  
Attorneys for Complainant

**BEFORE THE  
RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

Case No. S-360

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1304 Wilson Avenue  
Bakersfield, California 93308

Respondent.

**DECISION AND ORDER**

The attached Stipulation for Issuance of License and Public Reprimand is hereby adopted by the Respiratory Care Board of the Department of Consumer Affairs as its Decision in this matter.

This Decision shall become effective on September 15, 2006

It is so ORDERED September 6, 2006

Original signed by: \_\_\_\_\_  
LARRY L. RENNER, BS, RRT, RPFT  
PRESIDENT, RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA